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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,557	07/07/2003	Frank Yang	PAT-1512	5796
7590	12/21/2005		EXAMINER	
Raymond Sun 12420 Woodhall Way Tustin, CA 92782			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 12/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,557

Applicant(s)

YANG ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is final office action for the serial number 10/614,557, TRASH CAN ASSEMBLY, filed on 7/7/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,010,024 to Wang and in view of US Patent # 5,125,526 to Sumanis.

Wang teaches a trash can assembly (figure 1) comprising a shell (6) having a top end and a bottom end, a liner (7) having a container body with a bottom and an enclosing side wall, a lid (5) fitted over the top end of the shell and a support block (913-916) provided adjacent to the bottom end of the shell. The liner is at a vertical lever and the part of liner (71) extends above the top end of the shell. The enclosing side wall has an upper lip (71) and the shell having an annular wall at top end of thereof.

Wang teaches the liner but fails to teach the liner having a trash bag. Sumanis teaches the trash bag (T). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added trash bag to Wang's liner as taught by Sumanis to keep the liner clean from the garbage.

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Wang in view of Sumanis teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for setting up elements together to provide convenience for removing the linear from the shell and then placing the linear back in the shell.

Wang teaches liner and the support block but fails to teach the support block contacts the bottom of the container body. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have increased or extended the length of liner to increase capacity of garbage in the shell and that with extended or increased the length of liner, it will contact with the support block.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and in view of Sumanis in further view of US Patent # 6,364,147 to Meinzinger et al.

Wang teaches the shell but fails to teach the shell having groove. Meinzinger et al. teaches shell (114) having groove (141). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Wang's shell with groove as taught by Meinzinger et al. to provide accessible for removing the liner from the shell.

Wang in view of Sumanis and Meinzinger et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for setting up elements together to

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provide convenience for removing the linear from the shell and then placing the linear back in the shell.

Claims 20, 22-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang.

Wang teaches a trash can assembly (figure 1) comprising a shell (6) having a top end and a bottom end, a liner (7) having a container body with a bottom and an enclosing side wall, a lid (5) fitted over the top end of the shell and a support block (913-916) provided adjacent to the bottom end of the shell. The liner is at a vertical lever and the part of liner (71) extends above the top end of the shell. The enclosing side wall has an upper lip (71) and the shell having an annular wall at top end of thereof. The assembly includes a base (9) provided at the bottom end of the shell. The support block is positioned on the base and the bottom of the container body seats on the base in a first position. The base defines a skirt surrounding the bottom end of the shell. The assembly includes a foot pedal (61) positioned adjacent the bottom end of the shell. The assembly includes a link assembly (8) coupling the foot pedal and the lid.

Wang teaches liner and the support block but fails to teach the support block contacts the bottom of the container body. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have increased or extended the length of liner to increase capacity of garbage in the shell and that with extended or increased the length of liner, it will contact with the support block.

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In regard to claims 28 and 30, Wang teaches the base and support block but fails to teach the height of support block is higher than the base. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the height of support block higher than the base to provide support for lip of liner to remain above the top of shell for convenience of removing the liner from the shell.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of US Patent # 6,364,147 to Meinzinger et al.

Wang teaches the shell but fails to teach the shell having groove. Meinzinger et al. teaches shell (114) having groove (141). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Wang's shell with groove as taught by Meinzinger et al. to provide accessible for removing the liner from the shell.

Allowable Subject Matter

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach the second vertical level being higher than the first vertical level.

Response to Arguments

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Applicant's arguments filed 9/23/05 have been fully considered but they are not persuasive.

With respect to applicant's argument on page 1 of remark stating that Wang does not teach the one of blocks are located "side by side" with the side wall of the container body. The examiner disagrees because one of the blocks (916) which is at the edge of the element 9 and that it is located "side by side" with the side wall of the container body (7) when inserted in the shell and shell is connected to the base (9). With the amended language for claim 18 that requires the block to contact the bottom of the container body. The examiner states that it would be an obvious to increased or extended the length of liner to increase capacity of garbage in the shell and that with extended or increased the length of liner, it will contact with the support block.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632



11/29/05